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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA

18 SERENDIP LLC & WENDY CARLOS,)

19 Plaintiffs,)

20 vs.)

21 WARNER BROS. ENTERTAINMENT INC.,)

22 Defendant.)

23 WARNER BROS. ENTERTAINMENT INC.,)

24 Counter-Claimant,)

25 vs.)

26 SERENDIP LLC & WENDY CARLOS,)

27 Counter-Defendants.)

Case CV08-07739 RGK (RCx)

**NOTICE OF MOTION
AND MOTION TO DISMISS
COUNTERCLAIM
PURSUANT TO
FRCP 12(b)(6)**

DATE: April 20, 2009

TIME: 9:00 a.m.

PLACE: Courtroom 850
255 E. Temple St.
Los Angeles, CA

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 20, 2009 at 9:00 a.m., or as soon
3
4 thereafter as counsel may be heard, in Courtroom 850 of the United States District
5 Court, 255 East Temple Street, Los Angeles, California, Plaintiff and Counter-
6 Defendant Serendip LLC will move this Court to dismiss the Counterclaim
7
8 pursuant to FRCP 12(b)(6) because Counter-Claimant Warner Bros. Entertainment
9 Inc.'s counterclaim fails to state a claim upon which relief may be granted as a
10
11 matter of law.

12 This motion is made following the conference of counsel pursuant to
13
14 L.R. 7-3 which took place on February 20, 2009.

15 This motion will be based upon this Notice of Motion and Motion, the
16
17 Memorandum of Points and Authorities and other papers filed herewith, and the
18
19 Pleadings filed herein.

20 Dated: February 26, 2009

21
22 By _____s/_____
23 Annemarie Franklin
24 Attorney for Plaintiff &
25 Counter-Defendant
26 Serendip LLC
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